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INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHIT/AMCONSUL ISTANBUL 6986
RUEHDA/AMCONSUL ADANA 4513
RHEHAAA/NSC WASHDC
RUEUITH/ODC ANKARA TU
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UNCLAS SECTION 01 OF 02 ANKARA 000264

SIPDIS
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E.O. 12958: N/A
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SUBJECT: PRESIDENT GUL'S TERM: FIVE YEARS OR SEVEN?

ANKARA 00000264 001.3 OF 002

11. (SBU) Summary. Turkey is beginning to discuss whether President Gul's term of office should be five or seven years. While the parliament is just starting to work out the details of the country's first direct presidential election, opposition parties are firm about limiting Gul's time in office to five years. Analysts suspect the issue reveals a rift between the President and the Prime Minister. End summary.

12. (U) On May 31, 2007, the Turkish Grand National Assembly passed a constitutional amendment that stated the president would be directly elected for a five-year term. However, because the amendment passed with more than three-fifths but less than two-thirds of the votes in parliament, it went to a referendum, which was passed on October 30, 2007. In the meantime, before the amendment was passed, the current president, Abdullah Gul, was elected by the Parliament on August 28, 2007 to a seven-year term. The amendment made no reference to changing the term of the sitting president.

13. (SBU) The specific manner in which the President will be elected under the new amendment is being ironed out in a draft election law by a subcommittee of the Constitutional Committee. The media has speculated that the Parliament Laws and Regulations Department requested the Parliament Speaker intervene so that Gul's term would be decided in the election law. However, our sources indicate that only one expert in that Department supports this approach. The Constitutional Committee itself believes Gul's term cannot be discussed in the draft law because it is a constitutional matter which cannot be regulated by a law. The chair of the subcommittee, AKP deputy Ayhan Sefer Ustun, told us that the subcommittee will not insert any provisions about the term of the current President in its draft. Ustun said Gul has the "acquired right" to remain in the office for seven years.

14. (U) Debate on this issue flared up when President Gul, during a visit to India last week, said the length of his term of office is not clear. Subsequently, the President of the main opposition Republican People's Party (CHP), Deniz Baykal, fueled the debate, insisting that there is no doubt about Gul's term: it is five years. Baykal noted there is no reference in the constitutional amendment to the sitting President, and added that no one working for the state administration has the right to demand "acquired" rights. (Note: In Turkey anyone who works for the state administration is bound by whatever laws and regulations are in force, no matter when they were passed or under what conditions the person was hired. Using this reasoning, the President could not argue that he should retain his seven-year term if the new rules limit it to five years.

End note.) Baykal upped the ante by adding that if Gul insisted on staying in office for seven years, it would create a "regime problem."

15. (U) The public debate reveals two camps. In the first, people defend Gul completing his seven-year term. AKP Parliamentary Deputy Group Chairman Bekir Bozdag, and Bahcesehir University Faculty of Law Professor Suheyl Batur, share the opinion that the rules in force when the parliament elected Gul should be implemented. Bozdag said that if a presidential election were held in 2012, it would mean that the President was being removed from office before the end of his term. In addition, Galatasaray University Faculty of Law Dean, Prof. Necmi Yuzbasioglu, and Star daily columnist and Constitutional Professor Mustafa Erdogan approach the issue from the legal perspective. Yuzbasioglu said "in public law there are statutes. The Presidency is ruled by a statute. The rules valid at the time of his election shall be implemented. Thus for the current President a seven-year term is valid. When the new President is elected by the people, he will serve for five years." Prof. Mustafa Erdogan defended the same view, and added that this is not a matter of "an acquired right."

16. (U) In the second camp, those who defend the view that President Gul should end his term in 2012 and make way for the next Presidential elections argue that Gul's position is bound by statute. It would be different, they say, if the constitutional amendment had referred to Gul's situation. Former Justice Minister and Constitutional Law Professor Hikmet Sami Turk said that this is an issue of "statute law," but the new law should supersede: "it makes no difference whether or not Gul was elected when the term was seven years, the new constitution says that it is five years." AKP Deputy and former TGNA Speaker Koksak Toptan, and opposition National Action Party (MHP) President Devlet Bahceli, also believe that the Presidential election should be held in 2012.

ANKARA 00000264 002.3 OF 002

17. (SBU) Isa Gok, the CHP's representative on the subcommittee preparing the draft election law, highlighted another controversy. He pointed out that the draft law presented by the government aims to set up Prime Minister Erdogan to be elected into the Presidency. Gok said that for public employees to be nominated for President, they must leave their positions to become candidates, but there are no regulations set out in the draft for how the Prime Minister would do this. He opined that this means that Erdogan would be able to use state resources -- including his official plane and funds -- during his campaign period. He also expressed concern that although the candidates are allowed to use the state-run television network, TRT, for disseminating information during their campaigns, TRT is under the control of the Prime Minister.

18. (SBU) Analysts are also examining President Gul's position on the issue. Gul has never said he would not run for President again. This seems to suggest, they say, a significant rift between Gul and the Prime Minister.

JEFFREY